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ABSTRACT

Voucher plans vary mainly in the value assigned each voucher, whether schools are permitted to charge extra tuition, provisions for the educationally disadvantaged, and the degree to which participating schools are regulated. A crucial factor in any voucher plan is the freedom of choice parents have in selecting their children's educational environment. This kind of educational marketplace system works only when individual schools are free to meet the desires of their clients. The requirement that schools provide equal educational opportunity tends to conflict with such freedom. Constitutional questions of church-state separation are also involved when voucher systems attempt to include parochial schools. The only major effort to test a voucher plan was a 1972-76 project in Alum Rock, California. Limited to 13 of the district's 25 public schools, the test proved inconclusive. The organizational and authority structure of the district resisted allowing the individual participating schools sufficient autonomy. Parents failed to exercise their freedom of choice to force the schools to compete in the search for educational excellence. This document analyzes both positive and negative attitudes toward voucher plans and describes several alternative approaches in an attempt to determine the most effective system. (Author/PGD)

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OCCASIONAL PAPER #4

RE: VOUCHER SYSTEM AS AN ALTERNATIVE EDUCATIONAL PROGRAM

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RE: VOUCHER SYSTEM AS AN ALTERNATIVE EDUCATIONAL PROGRAM

Historical Overview

There is general agreement that Adam Smith first proposed that government finance education by giving parents money to hire teachers. This idea has come up from time to time in an effort to make public education more accountable, to provide parents with options in the selection of educational programs for their children, and to provide for more equal educational opportunity. The principle involved in Smith's proposal has been incorporated into a variety of programs for financing higher education such as the G. I. Bill and a number of state scholarship and grant programs. However, in the main public expenditures for elementary and secondary education have been directed toward schools that are managed by public officials. The practical alternative for parents, who were dissatisfied with the educational opportunities provided in public schools, was to pay for the full cost of education in private institutions of their choice. This choice was usually not available to the economically and culturally deprived.

The term "Educational Voucher" has only come into existence in recent years. An over simplified definition of vouchers might be as described in "Education Vouchers: A Report on Financing Elementary Education by Grants to Parents" by the Center for the

Study of Public Policy[1] namely "certificates which the government would issue to parents, parents would give to an eligible school and the school would return to the government for cash." This report was the result of the first major effort made by government, in the form of a grant in December 1969 by the U. S. Office of Economic Opportunity (OEO), to study "education vouchers". The preliminary recommendation was that OEO try to find local school districts willing to conduct a 5 to 8 year demonstration of a suitable voucher system.

Voucher Systems

An educational voucher system proposed by the Center for the Study of Public Policy[1] would work in the following manner:

1. An Educational Voucher Agency (EVA) would be established to administer the vouchers. Its governing board might be elected or appointed, but in either case it should be structured so as to represent minority as well as majority interests. The EVA might be an existing local board of education, or it might be a new agency with a larger or smaller geographic jurisdiction. The EVA would receive all federal, state and local education funds for which children in the area were eligible. It would pay this money to schools only in return for vouchers. (In addition, it would pay parents for children's transportation costs to the school of their choice.)

2. The EVA would issue a voucher to every family in its district with school-age children. The value of the basic voucher would initially equal the per pupil expenditure of the public schools in the area. Schools which took children from families with below-average incomes would receive additional payments, on a scale that might, for example, make the maximum payment for the poorest child double the basic voucher.
3. In order to become an "Approved Voucher School", eligible to cash vouchers, a school would have to:
   a. accept a voucher as full payment of tuition;
   b. accept any applicant so long as it had vacant places;
   c. if it had more applicants than places, fill at least half these places by picking applicants randomly and fill the other half in such a way as not to discriminate against ethnic minorities;
   d. accept uniform standards established by the EVA regarding suspension and expulsion of students;
   e. agree to make a wide variety of information about its facilities, teachers, program, and students available to the EVA and to the public;
   f. maintain accounts of money received and disbursed in a form that would allow both parents and the EVA to determine whether a school operated by a board of education was getting the resources to which it was entitled on the basis of its vouchers, whether a

school operated by a church was being used to subsidize other church activities and whether a school operated by a profit making corporation was siphoning off excessive amounts to the parent corporation;

g. meet existing state requirements for private schools regarding curriculum, staffing and the like. Control over policy in an approved voucher school might be rested in an existing local school board, a PTA or any private group. No governmental restrictions would be placed on curriculum, staffing and the like except those established for all private schools in a state.

4. Just as at present, the local board of education (which might or might not be the EVA) would be responsible for ensuring that there were enough places in publicly managed schools to accommodate every school-age child who did not want to attend a privately managed school. If a shortage of places developed for some reason, the board of education would have to open new schools or create more places in existing schools. (Alternatively, it might find ways to encourage privately managed schools to expand, presumably by getting the EVA to raise the value of the voucher).

5. Every spring, each family would submit to the EVA the name of the school to which it wanted to send each of its school-age children next fall. Any child already enrolled

in a voucher school would be guarenteed a place, as would any sibling of a child enrolled in a voucher school. So long as it had room, a voucher school would be required to admit all students who listed it as a first choice. If it did not have room for all applicants, a school could fill half its places in whatever way it wanted, choosing among those who listed it as a first choice. It could not, however, select these applicants in such a way as to discriminate against racial minorities. It would then have to fill remaining places by a lottery among the remaining applicants. All schools with unfilled places would report these to the EVA. All families whose children had not been admitted to their first choice school would then choose an alternative school which still had vacancies. Vacancies would then be filled in the same manner as in the first round. This procedure would continue until every child had been admitted to a school.

6. Having enrolled their children in a school, parents would give their vouchers to the school. The school would send the vouchers to the EVA and would receive a check in return.

The detailed system described above should avoid, it was hoped, some of the dangers of a tuition voucher scheme by:

1. Increasing the share of the nation's educational resources available to disadvantaged children.
2. Producing at least as much mixing of blacks and whites, rich and poor, clever and dull, as the present system of public

education.

3. Insuring advantaged and disadvantaged parents the same chance of getting their children into the school of their choice.
4. Providing parents (and the organizations which are likely to affect their decisions) whatever information they think they need to make intelligent choices among schools.
5. Avoiding conflict with both the Fourteenth Amendment prohibition against racial discrimination and with First Amendment provisions regarding church and state.

Many plans have been advanced to implement the voucher concept varying mainly in the determination of the value of each voucher, additional tuition charges if any, provision for allocations for the handicapped or educationally disadvantaged and the degree to which participating schools are regulated.

Milton Friedman, Professor of Economics at the University of Chicago in 1962 advocated[2] that direct government subsidy of public schools end and instead each child of school age receive a voucher equal in value to the average amount spent locally per pupil in the public schools.

Theodore Sizer, former Dean of the Graduate School of Education at Harvard University suggested[3] in 1968 a voucher plan designed principally to augment the economic and political clout of poor school children. His model would provide a voucher to each child whose family income was below the national average. As family income approached the national average, the voucher value would

shrink to zero.

Christopher Jencks, Associate Professor of Education at Havard in 1970 proposed a voucher roughly equivalent to the per pupil expenditure in the local public schools. Schools, public or private, would be required to accept each child's voucher as full tuition payment. However, a school could earn extra income from the government by enrolling children from disadvantaged backgrounds or with special educational problems.

John Coons, Professor of Law at the University of California at Berkeley introduced his "Family Power Equalizing" voucher plan in 1970.[4] His plan called for the legislative establishment of four expenditure categories of public schools. Determining which level a child could attend would depend on the financial effort in relation to income that a family would be willing to expend on education.

The report by the Center for the Study of Public Policy[1] lists seven alternative education voucher plans:

1. Unregulated Market Model: The value of the voucher is the same for each child. Schools are permitted to charge whatever additional tuition the traffic will bear.
2. Unregulated Compensatory Model: The value of the voucher is higher for poor children. Schools are permitted to charge whatever additional tuition they wish.
3. Compulsory Private Scholarship Model: Schools may charge as much tuition as they like, provided they give scholarships to those children unable to pay full tuition.

Eligibility and size of scholarships are determined by the EVA which establishes a formula showing how much families with certain incomes can be charged.

4. The Effort Voucher: This model establishes several different possible levels of per pupil expenditure and allows a school to choose its own level. Parents who choose high-expenditure schools are then charged more tuition (or tax) than parents who choose low-expenditure schools. Tuition (or tax) is also related to income, in theory the "effort" demanded a low-income family attending a high-expenditure school is the same as the "effort" demanded of a high-income family in the same school.
5. "Egalitarian" Model: The value of the voucher is the same for each child. No school is permitted to charge any additional tuition.
6. Achievement Model: The value of the voucher is based on the progress made by the child during the year.
7. Regulated Compensatory Model: Schools may not charge tuition beyond the value of the voucher. They may "earn" extra funds by accepting children from poor families or educationally disadvantaged children. (A variant of this model permits privately managed voucher schools to charge affluent families according to their ability to pay.)

Legal Implications

Aside from the many problems inherent in the introduction of an

Education Voucher System, the inclusion of private schools particularly church connected schools presents possible conflict with the First Amendment to the Constitution.

Under the guise of a voucher system, several southern states attempted to evade the Fourteenth Amendment by setting up private academies which discriminated on the basis of race. Federal Courts have consistently struck down such plans as unconstitutional.[5]

Recent attempts to provide for mandated costs and minimum grants to non-public schools in New York State have been frustrated by Supreme Court decisions. In 1973, the Supreme Court struck down a program to reimburse non-public schools on a uniform per pupil basis for costs incurred in state mandated testing and record-keeping.[6] Another program providing direct grants to non-public schools for repairs and maintenance, parental tuition reimbursements for low income families whose children attend non-public schools, and tax deductions for families failing to qualify for tuition reimbursements with children in nonpublic schools[7] was also invalidated. Similar cases have come up in other states with substantially the same results.

Some argue that there is a constitutional place for the involvement of nonpublic schools in a voucher plan citing a 1905 decision of the courts namely Quick Bear v. Leupp.[8] The plaintiff, a Sioux Indian, sued the Commissioner of Indian Affairs to enjoin execution of a contract between the Commissioner and the Bureau of Catholic Indian Missions. The contract provided the Bureau with funds to pay teachers and maintain buildings in a Catholic

school on the Sioux reservation. The Court upheld the expenditure and contract, noting that although the funds were appropriated each year by Congress, they were, in effect, not spent by the federal government but only administered by it. This case indicates that aid to a religious school may be held constitutional if two conditions are met: entitlement to the money and private choice as to its ultimate recipient. Each of these requirements, it is claimed, is met in a voucher program.

Yet in 1975 John E. Nowak, Associate Professor at the University of Illinois College of Law states[9] "Last term, the Supreme Court of the United States ended the possibility that the states would be able to grant any meaningful form of aid to students attending parochial elementary and secondary schools." Although there is room for debate on the exact implications of the opinion, in Meek v. Pittenger[10] there appears to be a majority of the justices who would prohibit any such aid under the religion clause of the first amendment. In the Meek case, Pennsylvania provided for three forms of student aid: (1) a textbook-loan program; (2) provision for Auxiliary guidance, testing, remedial and therapeutic services by public school employees who would provide the services at the private schools; and (3) the loaning to nonpublic schools of instructional equipment and materials of a secular nature. The Court struck down all but the textbook-loan program as violation of the establishment clause.

In spite of overwhelming evidence that the inclusion of parochial schools in a voucher system would meet with firm opposition

from the courts, the claim is still made that there are two basic rationales for including church schools.

1. Any benefit that accrues to a religion is not the result of government action, but rather of the free choice of private individuals.
2. A program which pays privately selected church schools no more than the secular value of the education they provide confers no proscribed benefit on religious institutions.

Demonstration Project:
Alum Rock

As a result of the Report prepared by the Center for the Study of Public Policy[1] on Financing Elementary Education by Grants to Parents, the Office of Economic Opportunity (OEO) became actively involved in sponsering an educational voucher demonstration project.

By the early 1970's, most of the innovations in urban school reform were widely viewed as disappointments. They were not more accountable to the urban poor who became more frustrated. OEO became interested in an educational voucher system because OEO believed that if the allocation of resources to schools were determined by consumer choice, the schools would becomre accountable to consumer demands.

Between 1970 and 1972, OEO awarded grants to six school districts to investigate the feasibility of implementing vouchers. With the exception of the Alum Rock California school district, all refused to proceed with the experiment. Private schools were

not included because the California legislature failed to authorize their inclusion. Therefore, the Alum Rock demonstration project became the first and possibly the only serious attempt to install vouchers within a public school system.

The final agreement of March 1972 provided that the experiment would initially involve six of the district's twenty-five schools. All schools involved would volunteer to participate and when possible, only volunteer teachers would be used. The programs and budgets of the twenty-two mini-schools organized in these schools were to be controlled by the teachers. The existence of the mini-schools allowed parents a choice within their neighborhood school although they could choose any mini-school within the six school voucher system.

The prime aim of the voucher system in Alum Rock was to change the operation of a school system from a public monopoly to a market system in which parents would determine the amount and variety of schooling desired. Complex interrelated changes had to occur in the organization and operation of the school district. There was one legal constraint, the school board could not legally relinquish its authority over the operation of any of its schools. However, schools had to provide diverse programs so that parents would have a choice. Authority had to be decentralized so that school administrators and staff had the authority to create autonomous programs. Changes were demanded in roles, attitudes and behavior of participants in the school system. Central administrators were to become support personnel, principals were

to have less control over instructional programs, faculties were to divide into mini-schools and compete with each other and parents were to become consumers of educational programs.

The first year, 1972-73, was a year of on-the-job organization. The main outcomes were the establishment of mini-schools and the planning of the voucher budgeting system.

The second year, 1973-74, was a year of program expansion and attempts to implement more features of the demonstration. The experiment was doubled in size to thirteen schools and forty-five mini-schools. An important part of the second year's effort was the operation of an income-outgo budget to relate dollars to enrollment. At the end of this year, three new programs were created and three existing programs were dropped due to lack of demand.

The third year, 1974-75, was dominated by budgetary concerns, the end of federal voucher funding became visible, the local revenue base was decreasing due to declining enrollment and district costs were increasing due to inflation.

Eliot Levinson[11], a participant in this demonstration, summarized his reaction to the project as follows: After three years of operation, the basic changes envisioned prior to the initiation of the experiment have not occurred as planned. Specifically, the decentralization of budgetary decision making to the school and mini-schools level was gradually being eroded, competition among mini-schools for students has decreased and total schools, rather than autonomous mini-schools once again began

to operate as the main organizational units. Private schools did not become part of the demonstration and parents were not as assertive as hoped for in exercising their choice.

According to Levinson some benefits did come out of the demonstration. The mini-school had a positive effect in teacher working relationships, a new budgetary system helped to track expenditures on a school level basis and a system of consultative decision making among administrators improved communication between levels of the school system.

In the fourth year of the project, 1975-76, there developed a pattern of recentralizing and standardizing certain components of the voucher system. At the district level, maximum school sizes were fixed, class sizes were fixed and a directive was issued to the effect that a participating school could not on its own hire teachers to reduce class size.

Recentralization also occurred at the school level. For the fourth year, all discretionary funds were merged into one fund, to be distributed to schools on the basis of reading scores. The lower the scores, the more money a school received.

The following features of the demonstration at Alum Rock currently remaining in some form are free transportation, open enrollment, mini-schools, parent choice, parent information, school level budgeting capability, and program evaluation capability.

Certain underlying factors and processes were present through out all phases of this experiment and affected the implementation pattern such as:

(1) The underlying assumption of a voucher system that parents would actually use their choice, causing schools to compete with each other, did not hold up over time;

(2) The organizational structure of the school system resisted attempts to be changed from a monopoly to a market system; and

(3) Those features of the demonstration which would have caused a change in established authority relationships in the school system were hard to implement.

In summary, the Alum Rock experiment was initially designed as a voucher system. After several years of operation, it functioned as a relatively decentralized, open enrollment system of alternative programs with dollars following students.

After four years, the Alum Rock demonstration project, which cost almost $8 million in National Institute of Education Funds, has come to an end.[12]

At this time, there does not appear to be any voucher plan in operation although several have been studied. East Hartford, Connecticut could have been the first education system in the country to have a voucher program allowing parents to choose any public or private school for their children. But after conducting a feasibility study, the Board of Education voted six to two not to adopt the proposed voucher system.[13]

The New Hampshire voucher proposal was also turned down by voters last spring. After the National Institute of Education had granted $88,000 toward developing a model voucher plan for New

Hampshire, to include schools in the non-public sector, the public said no to implementing the plan.[12]

Points of View

To illustrate the divergent opinions as to educational vouchers as a means of bringing improvements to programs in education, Goddard and Goffman stated:[14] An unfortunate fact for our society is that the primary goals for the education system sought by diverse reformers are in fundamental conflict. On the one hand, some parents wish a greater range of choice in selecting the kind of education their children receive. In order for this choice to be meaningful, the parent must be permitted to choose the type of education, the amount of education, including the cost per day, and to some extent the students who will be his child's classmates. On the other hand, this very freedom of choice conflicts with the goal of equality of educational opportunity."

Clearly, these goals are in conflict, for the very act of requiring that all schools be open to everyone regardless of ability, background, motivation or interest robs the parent of consumer sovereignty or meaningful freedom of choice.

Favorable Comments

Other experts have different opinions as to the effectiveness of a voucher system. To summarize, here are listed various points of view - first those favorable to some form of voucher system and

then those opposed.[15]

1. Public education can be improved and strengthened by stimulating competition.
2. There will be the tendency to increase the share of the nation's educational resources available to disadvantaged children.
3. There may result a greater mixing of black and white, rich and poor, clever and dull.
4. Advantaged and disadvantaged parents will be insured the same chance of getting their children into schools of their choice.
5. Instead of having to be all things to all children, a school could operate for slow learners, or gifted children, or for children who have a particular talent or bent.
6. The Civil Rights Act of 1964 (title VI) would insure that all schools in the voucher plan would not be segregated white academies or revoluntionary black militant schools.
7. Non-public schools are essential to the American way of life to prevent the eventual development of a monolithic system of education which would eliminate desirable competition. The stress placed by vouchers on parental choice is a democratic safeguard.
8. These same non-public schools need some sort of constitutional support to survive financially. At present, their clientele pay two tuitions: one to support public education via tax dollars and another to the non-public schools.

9. The traditional sources of support for these non-public schools may not be adequate in the foreseeable future without the voucher system or some equivalent to continue the financial support necessary to maintain their quality and service.
10. Tuition vouchers provide a realistic freedom of choice in education for parents who have become increasingly economically deprived from making such a choice.
11. Even though unproductive public schools, as well as unproductive private schools, would be forced out of business, it is reasonable to assume that the better public schools, when faced with this competitive challenge, would become centers of innovation and even better dispencers of quality education.
12. Needy students assisted by vouchers would be in a better position to profit from partial scholarships to private schools; in many cases, the needy students would attend, under a voucher system, a non-public school, not with the sense that he was receiving some form of charity but that his own way was paid by the voucher according to a system that treats all families equally.
13. Like every potentially valuable experiment, the voucher system needs a chance to validate or disprove itself as to its possible effectiveness.
14. If the public schools endorse such a program as the voucher system, this will help to dispel the public myth

that those schools are afraid of competition. Such an attitude will project to the general public an increased confidence in the public school system which is not fearful of irreparable harm from friendly competition.

15. Experimentation is all the more necessary when one seeks to develop a viably legal and constitutional means of assisting parents in the education of their children in the midst of the fiscal crisis facing all educational systems.

Unfavorable Comments. Listed below are various comments regarding a voucher system which in the main are unfavorable:

1. A significant number of educators, particularly in the public schools, feel that the OEO - funded demonstration of the voucher plan is a deliberate attempt to discredit and destroy the public school system.
2. The neighborhood school will possibly be wiped out and with it its record of significant growth and achievement, especially in educating the entire intellectual range of children assigned to these schools.
3. The voucher system might encourage the creation of all-black or all-white schools. Thus education vouchers could be a divisive force in American life.
4. It would lead to direct support of church-related schools, possibly violating the constitutional principal of church - state separation.
5. The public schools could become the dumping grounds of

children not wanted by other schools.

6. The parents' lack of knowledge and the possible lure of easy money might lead to the establishment of fly-by-night schools.
7. The education voucher is contrary to our long-standing American tradition of local support and local supervision of education.
8. The safeguards written into the education voucher system are so complex and unvieldly that the system would be unworkable.
9. It would cost less money for the state to crack down on weaknesses, inefficiencies, or unproductivity in the present school system than it would to set up an untried voucher system.
10. Especially in the education of the disadvantaged, the safeguards in the voucher system are not adequate to offset the additional problems created by this expedient solution.
11. Vouchers will encourage the proliferation of non-public schools. Since New York State is only now beginning to reap the benefits of regrouping school districts to adequate size this would be in effect a nullification of the savings made by such regrouping. Supporting all these new systems would very likely result in higher costs.
12. Whether by design or not, vouchers would most likely lead to the segregation of many children presently in com-

prehensive public schools into non-public schools according to race, religion, ability and educational philosophy.

13. The average parent doesn't possess enough information to adequately choose the right school for his child. This would be especially true if faced with profit-making schools which are adept at the techniques of image-making through mass media.
14. In the present economic crisis, the public is in need of more money to keep on offering its quality programs. The creation of the vast bureaucracy necessitated by the voucher system would syphon off badly needed funds.
15. At the present time, according to many state laws, educational vouchers are unconstitutional.
16. There is also the complex problem of federal aid to private schools, all the more difficult when these private schools are often religious schools.
17. There has been only one constitutionally legal voucher demonstration project covering public schools only and that has been terminated. Of the many studies, offers of financing, etc., all have been turned down by either the electorate, the school district or the state.

Summary

Goddard and Goffman[14] stated that the use of vouchers for partially financing education is probably the best method of obtaining a larger degree of consumer sovereignty, individualism,

efficiency and diversity in our nation's schools. The cost, however, would be to sacrifice the objective of widespread integration of social, racial and religious classes within the schools. Some modification through the imposition of legal restrictions upon discriminating admissions requirements could avoid these objections. Doing this, however, would reduce but not eliminate gains in consumer sovereignty, individualism, efficiency and diversity. A voucher system could significantly promote these objectives, even with legal restrictions to promote social integration, provided that the voucher system encouraged a variety of per pupil school level budgets by allowing parents, through the family budget, to augment their child's public support.

Granted the above represents only one point of view. Yet it is the only practical experience we have with the voucher system. It did not include nonpublic schools. As the years progressed, it operated more and more as a modified open enrollment system rather than a system of education offering wide choices of program. The future of educational vouchers does not seem bright for two reasons: (1) school districts do not desire to be involved; and (2) the courts have not ruled favorably on voucher systems.

As one superintendent of schools said,[16] "Before we try selling the public, we need to design a way of informing students and parents about the schools which is not self-aggrandizing, not show and tell, but a round basis for total community involvement in the decision-making process." Basic to a voucher system in which all have the opportunity for selection will be the development

of methods of gathering and disseminating broader information about the schools so that knowledgeable choices can be made. A necessary adjunct to this is a system for assessing the strengths and needs of each child, and for sharing this information with parents in such a way that decisions about the child's educational program are made on a joint basis of professional objectivity, parental intuition, and informal observation by all those concerned.

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